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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 KEITH E BERRY,

7 Plaintiff,

8 v.

9 KAREN CAMPBELL,

10 Defendants

Case No. C11-5797BHS

ORDER DECLINING TO ADOPT
REPORT AND
RECOMMENDATION

11
12 This matter comes before the Court on the Report and Recommendation (“R&R”) of
13 the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 5).

14 On September 29, 2011, Plaintiff Keith Berry (“Berry”) filed a motion to proceed in
15 forma pauperis (“IFP”). Dkt. 1. On November 7, 2011, after notice and an opportunity to
16 cure deficiencies in his IFP motion, Judge Creatura issued the R&R recommending that the
17 case be dismissed if Berry failed to cure certain deficiencies. Dkt. 5. On November 23,
18 2011, Berry cured the deficiencies. Dkt. 7.

19 The Court has considered the R&R and the remaining record and does hereby find
20 and order as follows:

- 21 (1) The Court declines to adopt the R&R due to Berry’s subsequent compliance;
22 and
23 (2) This action is reassigned to Judge Creatura for further proceedings.

24 DATED this 16th day of December, 2011.

25
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27 BENJAMIN H. SETTLE
28 United States District Judge

ORDER